UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 11/5/2008 have been fully considered but they are not persuasive.

Applicant argues that (Page 5) that cited references do not teach or suggest establishing a second wireless channel upon which to broadcast the selected media program to the second wireless handset if the second wireless handset is determined to be outside the cell site coverage area wherein the second wireless channel different than the first wireless channel.

Teel teaches assigning different channel for different cell sites therefore, teaches a method of establishing a second wireless channel to transmit broadcast the information to the second wireless handset if the second wireless handset is outside the cell site coverage area wherein the second wireless channel different than the first wireless channel("in a multicast network each site assigns a specific channel to a call independently of the channel assignments made by other sites", Col. 2, lines 35-48, "multisite avoids the problem of overlapping signals by having each area assign a different channel for any one call", col. 4, lines 11-25).

In view of above the finality of the previous Office action has been maintained.